

CURRENT MORATORIUM ORDINANCE

COUNCIL APPROVED 2-YEAR EXTENSION (UNTIL FEBRUARY 26, 2020) AT THE JANUARY 26, 2018 COUNCIL MEETING

*Approved First Reading – December 11, 2015
Approved Second Reading – February 26, 2016
Amendment Passed – February 26, 2016*

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ISSUANCE OF ANY PERMIT, LICENSE OR OTHER APPROVAL FOR OR INVOLVING NEW MOTEL/HOTEL USES IN THE TOWN OF FENWICK ISLAND.

WHEREAS, the Town of Fenwick Island currently allows motels/hotels as a permitted use in the Commercial Zone; and

WHEREAS, whether or not an expansion of the total number of motel/hotel uses in the Town, above and beyond the parcels already devoted to motel/hotel uses, is in the best interest of the Town has recently been the subject of much debate among the Town Council members, as well as the citizens of and property owners in the Town; and

WHEREAS, whether or not to expand the total number of motel/hotel uses in the Town has been a topic of discussion in years past as well, including, but not necessarily limited to, the 2006 to 2007 time frame when the Town adopted its Comprehensive Plan; and

WHEREAS, the Town will soon begin the process of updating its Comprehensive Plan, as required by Title 22 of the Delaware Code; and the expansion of motel/hotel uses in the Town will be an important topic of discussion during said update process; and

WHEREAS, the Comprehensive Plan update process must be completed by June, 2017, in order for the Town to satisfy certain State-mandated deadlines, and will consist of multiple public meetings and/or hearings, as well as hiring a professional consultant to study the issue of motel/hotel uses and other land use planning issues with which the Town is faced; and

WHEREAS, in light of the ongoing debate about whether to expand the total number of motel/hotel uses in the Town and because the Comprehensive Plan update process may result in comprehensive and/or significant changes to the permitted land uses within the Commercial Zone, the Town Council deems it to be in the best interest of the Town to maintain the status quo of existing motel/hotel uses during the Comprehensive Plan update process; and

WHEREAS, the Town Council finds that maintaining the status quo of existing motel/hotel uses by placing a moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town for a period of two (2) years is the minimum time period necessary for the Town to complete the Comprehensive Plan update process and the period of plan implementation that often follows said process.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, that:

Section 1. A moratorium upon the issuance of any permit, license or other approval for or involving new motel/hotel uses in the Town is hereby imposed for a period of two (2) years after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the Town's Building Official/Code Enforcement Official, as well as all other Town staff and boards, committees or commissions, shall not grant any approvals which would have, as the result, the establishment or development of any new motel/hotel uses in the Town.

Section 2. This moratorium shall not apply to existing motel/hotel uses in Town. The parcels in Town already devoted to motel/hotel uses, as of the adoption of this Ordinance, may continue to be used for a motel/hotel use and the owners/operators thereof may maintain, remodel, renovate, reconstruct and/or rebuild the structures located on said parcels as they deem necessary and appropriate for the furtherance of their motel/hotel businesses, provided all necessary permits and approvals from the Town and/or any other applicable governing agency are obtained.

Section 3. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the Town Council. Without action by the Town Council to terminate this moratorium early or to further extend this moratorium, the moratorium hereby imposed shall automatically dissolve two (2) years from the effective date of this Ordinance.

Section 4. If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portions or application remaining in full force and effect.

Section 5. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING THIS 11th DAY OF December, 2015.

PASSED ON SECOND READING, AFTER PUBLIC HEARING HELD ON February 26, 2016, THIS 26th DAY OF February, 2016.

I, Diane Tingle, Secretary of the Town Council of the Town of Fenwick Island, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on February 26, 2016, at which a quorum was present and voting throughout and that the same is still in full force and effect.


Diane Tingle, Secretary